

SUPPLEMENT TO ALMA RECORD.

Alma, Michigan.

Friday, July 29, 1904.

ORDINANCE No. 47

The village of Alma ordains:

SECTION 1. That permission, consent and authority be and is hereby granted to Frank M. Ohl and assigns, their successors and assigns, to locate, establish, construct, operate and maintain a street railway upon the streets hereinafter specified, within the village of Alma, Gratiot county, Mich., with necessary and convenient tracks for turnouts and side tracks and switches; and to run and maintain thereon railway cars for the carriage of passengers, baggage, freight, express and mail for thirty years from the date thereof, subject to the conditions hereinafter specified.

SECTION 2. The streets of said village to be occupied as provided in Section 1 of this ordinance, shall be those parts of Center-st. lying between Euclid-st. and State-st. and that part of State-st. lying between Euclid-st. and Superior-st. and that part of Euclid-st. lying between Center-st. and Superior-st. and that part of Alma and Saint Louis road lying within the village of Alma and such other streets and parts of streets as the said village of Alma shall see fit to grant. Also along Pine-st. to East End-ave., along East End-ave. to Woodworth-st. and along Woodworth-st. to Center-st. If said grantees create any streets or parts of streets the said grantees shall immediately report so much of said streets and make it as good as the balance of said streets.

SECTION 3. The tracks of said railway shall be of standard gauge, the trolley poles in said streets shall be of color, properly painted and to be kept free from posters and advertising. All poles to be set outside of sidewalk line. The location and grade of said tracks, turnouts, switches and sidetracks, shall be as ordered by the common council at the time of laying the tracks of said street railway upon said streets; and the said grantees, their successors and assigns at the time of such laying of said tracks shall pave the space between the rails and the space for twelve inches outside the same with concrete at street intersections, and they shall maintain the same; and in the event of said street being paved by said village then the said grantees, their successors and assigns shall at the same time pave with the same material as used in said streets adjoining their tracks, that portion of said street lying between the rails of said tracks and twelve inches on the outside of said rails and maintain the same. Said rails shall be laid in concrete.

SECTION 4. Said grantees, their successors and assigns shall also remove or level all ridges or banks of snow or ice that shall fall or be formed upon or between the rails, and one foot outside their track. Such snow and ice as is removed or levelled shall be evenly distributed over the surface of the streets in such a manner as shall least obstruct public travel thereon, and in case the village council shall deem it necessary to, and does remove at any time a portion of the snow from any street through which the said grantees, their successors and assigns may be operating their street railway, then and in that case the said grantees, their successors and assigns shall bear so much of the expense thereof as the proportion of the width of the street occupied by the track or tracks compares with the whole width of the street; and if said grantees, their successors and assigns shall neglect to obey any order which the village council shall make in relation to such affairs, or in any order relative to any repairs of the streets which by the provisions of this ordinance they are obliged to make, the said village council shall cause the same to be made and collect the expenses thereof from the said grantees, their successors and assigns. Provided, that the said grantees, their successors and assigns may deposit or sprinkle salt upon the tracks of their railway at all switch points, curves and turntables, and at and upon other portions of said tracks, the salt in all cases to be deposited or sprinkled on the surface of the rail only and in such moderate quantities and in such manner as to least impair the use of the street for public travel. Said grantees shall keep the space between the track and one foot each side of the tracks within the village limits in good repair and free from dirt, rubbish, weeds and other obstructions.

SECTION 5. The said street railway to be constructed, operated and maintained under this grant, shall be operated by the overhead trolley wire system of electricity, or such other manner of operation with electricity as may be feasible, or by such other modern rapid transit power as said grantees, their successors and assigns may from time to time deem expedient. Provided, however, that steam power shall not be used within said village without the consent of the common council. The cars and other equipments shall be comfortable and sufficient for the accommodation of the public, and all cars shall

be provided with safety fenders of approved pattern, and the cars shall at all times be entitled to the tracks, and any vehicle on said tracks shall turn out without delay so as to leave said track unobstructed. Provided, however, that this section shall not apply to fire apparatus, engines, trucks or carts which shall at all times be entitled to the streets and tracks as hereinafter provided. Said grantees, their successors and assigns shall be entitled to haul trains for construction, freight or other purposes for general traffic provided the same shall not interfere with regular passenger traffic.

SECTION 6. Nothing in this ordinance shall be so construed as to prevent the common council from authorizing the laying of water, or gas pipes, sewers, or other conduits or the repairing of same, and the grantees shall have no claim of damage therefor against the village or against any water, or gas, or electric light, or power company, or telephone or telegraph company, provided the work of laying such water, or gas pipes, or sewers, or the repair thereof shall be done in such manner as not to unnecessarily damage or injure such railways or their use.

SECTION 7. The fare to be charged for the carriage of any single passenger for one continuous trip over said railway within the limits of said village, shall be five cents and transfers shall be given, without extra charge, over all other lines operated by said railway company within the village limits.

SECTION 8. The rate of speed of the car or cars on said railway shall not exceed 12 miles per hour. All agents or employees engaged in operating said railway shall be sober, careful persons and attentive to the wants of all patrons of said railway, and no conductor shall knowingly permit any aged or infirm person, woman or child to go from or get upon a car when the same is in motion, and it shall be the duty of all agents, conductors and motormen to keep vigilant watch of all vehicles, trains and pedestrians and for all obstructions on the tracks and to exercise due care to avoid collisions. Conductors may prohibit disorderly persons under the influence of liquor from entering the car and shall have the right to eject such persons therefrom, using therefor as little force as possible, and may call on local peace officers to render such aid as may be necessary and it shall be the duty of such officers to render such aid.

SECTION 9. All cars shall at all times be entitled to the track and work trains or construction trains may be run upon said railway before the opening of the lines for traffic and at such other times thereafter as shall not interfere with the regular business of the line. Provided, however, that this section shall not apply to any fire apparatus, engines, trucks, or carts, nor to be so construed as to prohibit the laying of hose across the track of said railway nor standing of fire engine trucks and carts thereon; and, provided, further, that street cars shall come to a full stop and remain in such position upon approach from any direction or any fire apparatus while proceeding to a fire, or in the direction from whence an alarm of fire has been given, until such apparatus shall have passed such car and the conductor or motorman of any car who shall neglect or refuse to comply with this provision shall be punished by a fine not to exceed \$25.00, together with the cost of prosecution upon conviction thereof before a justice of the peace of said village, and on failure to pay such fine and costs may be imprisoned for a term not exceeding ninety (90) days unless payment thereof be sooner made. Provided, also, that no cars shall be allowed to stop on cross walks or in front of intersecting streets, except to avoid collisions or prevent damage to persons or property in the streets. And when the conductor or motorman of any car is required to stop at the intersection of streets to receive or leave passengers the car shall be stopped so as to leave the rear platform very slightly on the crossing.

SECTION 10. By the acceptance of the permission and authority hereby given and granted, the said grantees, their successors and assigns, hereby agree to indemnify and save harmless the village of Alma from all loss or expense to which it may be subjected for any damage, or destruction, or injury that may be done to or suffered by any one in his, or her, or its property or person by reason of the construction or operation of said railway, or by the use of motor power thereon, or by reason of any negligence, carelessness or omission of said grantees, their successors and assigns, or any of their officers, agents or servants, and the said grantees, their successors and assigns, shall be liable to the village of Alma for all costs and damages suffered by or recovered against it in consequence of any act, neglect or default of said grantees, their successors and assigns, or from a breach of its officers, agents or servants, of any of the provisions of this ordinance.

SECTION 11. The common council hereby reserves all rights to make such reasonable rules or regulations as may from time to time be deemed necessary to protect the interests, safety, welfare and accommodation of the public in relation to said railway not inconsistent with the provisions of this ordinance.

SECTION 12. If the said grantees, their successors and assigns, shall at any time hereafter fail, or neglect, or refuse to run the cars for a period of sixty (60) days, or fail to comply with the provisions of this ordinance, or any section thereof, or shall refuse, fail or neglect to observe, keep and obey such rules, orders and requirements as said village council may from time to time make, prescribe or order to protect the interest, safety and accommodation of the public in relation to said railroad, or the streets through which the same passes, except as herein provided, then after sixty (60) days' notice the rights, privileges, interest, permission and authority hereby granted may be forfeited. When there shall be a dispute as to such violation or failure to conform, it shall be determined by the proper court having jurisdiction and after such determination if it shall be against the grantees it shall have thirty (30) days to comply with the terms of this ordinance as construed by the court.

SECTION 13. Construction of said railway shall be started within ninety (90) days from the date of this ordinance. The said railway shall be constructed and put in operation on or before one (1) year from the date of this ordinance.

SECTION 14. No freight cars shall be allowed to stand on Superior street nor shall there be any loading or unloading of freight from the freight cars on said street.

SECTION 15. Nothing herein contained shall be construed to deprive the said village of Alma of the right to grant like ordinances to other railroad company, or companies, to run on said streets or any portion thereof not occupied by said grantees under this ordinance.

SECTION 16. The right is hereby reserved, and this ordinance is accepted subject to such right, on the part of the said village to grant without any compensation to grantees to any other companies of railways, in the future operating in said village right to intersect and cross the railroad of said grantees, their associates, successors and assigns, which crossing shall be in such manner as least to inconvenience the railroad, and accommodate other intersecting road, or roads. Such crossing to be wholly at the expense of the company crossing.

SECTION 17. The right is also hereby reserved and this ordinance is accepted with the distinct understanding that said village may at all times control the location of said electric road in and over the streets of said village, and the common council shall at all times have supervision of the construction of the roadbed and designate the character of the material used in the construction.

SECTION 18. The terms, conditions and agreements contained in this ordinance shall constitute a valid and binding contract between the village of Alma, Mich., and said grantees, their successors or assigns and this ordinance shall take effect upon its acceptance in writing by said grantees, their successors or assigns, or if said acceptance shall be filed with the clerk of said village of Alma, Mich., within two months after the date of its passage, otherwise this ordinance shall be null and void at the option of the common council.

SECTION 19. Right and authority are hereby given to said grantee, and he is hereby empowered to assign this franchise to a company to be organized under the laws of this state to construct and operate said railway.

SECTION 20. This ordinance shall take immediate effect after one publication in some weekly newspaper, published and circulated within said village. I hereby approve the foregoing ordinance.

State of Michigan, County of Gratiot, Village of Alma, ss: We certify that the foregoing ordinance was duly adopted by the common council of the village of Alma, State of Michigan, on the 26 day of July, a majority of all the aldermen elect being present.

WILLIAM W. KINCH, GEO. S. YOUNG,
Village Clerk. Village President.
[SEAL]

Dated, Alma, Mich., July 26, 1904.

To the President and Common Council of the Village of Alma.

Now comes Frank M. Ohl and accepts the provisions of the foregoing ordinance granting to him the right to construct, maintain, own and operate a street railway in said village of Alma, and in behalf of himself, his successors and assigns, hereby agrees to be bound thereby.

FRANK M. OHL,
Dated, Alma, Mich., July 26, 1904.

COUNCIL PROCEEDINGS

(OFFICIAL.)

ALMA, MICH., July 12, 1904.

Regular meeting of the common council of the Village of Alma in council chamber on above date.

Present: President Young, Trustees Demuth, Montigel, Moore and Struble.

Absent: Trustees Delavan and Sanderhoff.

Minutes of last meeting read and on motion approved.

On motion the following labor claims were allowed at footing and the clerk instructed to issue orders for same.

Highway—
M. Koen..... \$ 12.61
Lorenzo Carter..... 7.43
Wm. Hyplite..... 10.94
August Arndt..... 13.19
R. Holday..... 45.49
John Greig..... 37.99
Geo. White..... 30.00
David Howe..... 22.80
Wm. Elliott..... 4.25
Wm. Johnson..... 1.00
Chas. Pierce..... 10.95
Wm. Hart..... 12.45
Sidney DeRoupe..... 13.45
Chas. Williams..... 19.60
John Simpson..... 75
Cemetery—
David Howe..... 3.00
J. J. Moore..... 40
Lewis King..... 75

On motion the following miscellaneous claims were allowed at footing and the clerk instructed to issue orders for same.

Alma Electric Light & Power Co.,
lighting..... \$ 56.00
printing..... 12.30
W. S. Tuck, sand..... 12.30
P. M. R. Co., freight..... 1.95
Robert Bradu, special police..... 1.00
Amos Bodine, special police..... 4.00
J. M. Montigel, repairs on hydrant..... 25
Harry Chivers, lowering well..... 10.50
S. H. Kier, use of team on fire wagon..... 4.00
Alma Record Co., printing..... 20.00
F. P. Smith Wire & Iron Works, Chicago, winding fountain..... 68.30
Geo. S. Young, street supplies..... 302.15
Steel bridge Elevator Co.,
sundry supplies..... 10.00
Tinker & Hannah, sundry supplies..... 21.45

On motion claim of Dr. Erwin and of J. E. Fuller was referred to the commissioner of buildings.

The following petitions for aid walks were read:

Henry Sandt, L. H. Hayt, Daisy Wright, W. H. Latham, A. Kovins, Joe Seeger, J. T. Swickert, Victoria Krywanski, Elizabeth Butke, A. Hood, Geo. E. Lathmer, A. W. Brock, Wm. Clubb, Henry Shary, S. Fish and C. McNamara.

On motion of Trustee Moore, supported by Trustee Demuth, the petitions were granted where petitioners are responsible.

Ordinance No. 47, entitled "An Ordinance Granting Franchise to Frank M. Ohl to Construct Street Railway" read.

Moved by Trustee Moore, supported by Trustee Struble that said ordinance be passed and adopted.

Motion carried as follows:

Yeas—Trustees Demuth, Montigel, Moore and Struble.

Nays—None.

On motion the personal tax assessed to C. H. Lathamby, amounting to \$15.75, was ordered refunded to him by the village, inasmuch as he is a non resident of the village.

On motion of Trustee Moore, supported by Trustee Struble it was decided that inasmuch as a large portion of the patrons agreeing to pay for sprinkling of the business portion of the village streets have now refused to pay such weekly amount subscribed by them, the commissioner of buildings is hereby ordered and directed to discontinue the sprinkling until the matter is satisfactorily adjusted.

On motion council adjourned.

W. W. KINCH, GEO. S. YOUNG,
Clerk. President.

ALMA, MICH., July 19, 1904.

Special meeting of the common council of the Village of Alma in council chamber on above date.

President's call with copy of notice and clerk's affidavit of service on file in clerk's office.

Present: President Young, Trustees Delavan, Demuth, Montigel, Moore, Sanderhoff and Struble.

On motion the following claims were allowed at footing and the clerk instructed to issue orders for same:

J. A. Bitter, filling urns in cemetery..... \$ 2.25
G. M. Isham, running sprinkler July 4..... 2.00
Ara Munn, draying..... 1.25
Geo. S. Young, freight and supplies..... 104.45
Wm. Howe, labor and supplies..... 28.25
James Drew, labor on water works..... 11.00
Weston Allen, labor on water works..... 8.40
P. T. Banghart..... 2.25

supplies to quarantined family..... 12.32

Medler & Demuth..... 12.32

supplies to quarantined family..... 12.32

Walter Struble..... 1.50

choring for quarantined family..... 1.50

On motion the communication from the Mich. State Agricultural Society requesting the attendance of the fire team at the State fair was referred to the fire department committee.

Moved by Trustee Delavan, supported by Trustee Montigel that the time for the collection of the village taxes be extended 30 days from July 21, with a collection fee of four per cent.

Motion carried as follows:

Yeas—Trustees Delavan, Demuth, Montigel, Moore, Sanderhoff and Struble.

Nays—None.

On motion the proposition submitted by the Alma Record Co. for the village printing was accepted and adopted.

Moved by Trustee Montigel supported by Trustee Demuth that the action of the village president in appointing Amos Bodine to the office of nightwatch and deputy marshal be confirmed.

Motion lost by the following vote:

Yeas—Trustee Montigel.

Nays—Trustees Delavan, Demuth, Moore, Sanderhoff and Struble.

On motion council adjourned.

W. W. KINCH, GEO. S. YOUNG,
Clerk. President.

Every farmer and business man in the county should have one of those Record atlas maps.